

RETIREMENT BRIEFING

POINT PAPER

I. PRE-RETIREMENT MATTERS:

A. If negotiating with a company for, or have an understanding with respect to, future employment, you have a financial interest in that company that can result in a conflict of interest. May need to issue a written notice of this disqualification.

B. Merely "seeking" employment (*e.g.*, sending an unsolicited resume) creates a disqualifying relationship with the target company, *i.e.*, you may not participate in any official matter that affects financial interests of the company.

C. In some cases, may need to:

1. Issue a written notice of disqualification to superiors, subordinates and perhaps others;
2. Issue a special notice to specified individuals if participating in a procurement;
3. Change duties; and/or
4. Forgo pre-retirement job hunting with one or more companies.

E. Travel expenses paid for job interviews are gifts from an outside source, but may be accepted if the potential employer in such situations customarily pays such expenses.

F. Employment while on leave, including terminal leave: remember, you are still on active duty, and officers and employees are prohibited by criminal law from representing any non-Federal entity before the Federal government concerning *any* particular matter. If you file a financial disclosure report, you must obtain prior written approval before being employed by a "prohibited source" (*e.g.*, a contractor or someone seeking official action from the Army).

II. RETIRED MILITARY MEMBERS:

Retired military members may not accept employment from any foreign government, including corporations owned or controlled by foreign governments, without consent of Congress (Art I, sec 9, cl 8, US Constitution). Consent obtained if the Secretary of the Army and the Secretary of State approve (10 USC 712). Retired personnel seek approval from Commander, U.S. Army Reserve Personnel Center, ATTN: ARPC-SFR-SC, 9700 Page Boulevard, St. Louis, MO 63132-5200, Telephone (314) 538-5090, DSN 892-5090. (AR 600-291).

III. FORMER "SENIOR EMPLOYEES" (GENERAL OFFICERS AND LEVEL V & VI SESs):

A. May not, on behalf of someone else, attempt to influence anyone in the department or agency served in during the last year concerning any official matter ... for one year (cooling off period) (18 USC 207(c)).

B. May not aid, advise or represent any foreign entity to help influence any USG entity or employee ... for one year (18 USC 207(f)).

IV. ALL FORMER OFFICERS OR EMPLOYEES:

A. May not, on behalf of someone else, try to influence any USG agency, officer or employee concerning the same particular matter involving a specific party in which you participated personally and substantially for the Government at any time ... for ever (18 USC 207(a)(1)).

B. May not, on behalf of someone else, try to influence any USG officer or employee concerning a particular matter involving a specific party that was pending under your official responsibility during the last year of service ... for two years (18 USC 207(a)(2)).

V. PROCUREMENT INTEGRITY LAWS:

A. For one year, you may not accept compensation from a contractor if you:

1. Served as procuring contracting officer, source selection authority, a member of the source selection evaluation board or council, or the chief of a financial or technical evaluation team, for a procurement of more than \$10,000,000 won by that contractor.

2. Served as program manager, deputy program manager, or administrative contracting officer for a contract in excess of \$10,000,000 held by that contractor.

3. Personally made a decision to award a contract, subcontract, modification, task order or delivery order in excess of \$10,000,000 to that contractor.

4. Personally made a decision to establish overhead or other rates, approve a contract payment or payments, or to pay or settle a claim, for more than \$10,000,000 for that contractor.

B. The restriction applies only to the prime contractor, but it does not apply to employment by a different division or affiliate of the contractor that does not produce the same or similar products or services.

VI. REPORTING REQUIREMENTS:

If you file the Public Financial Disclosure Report (SF 278), you must file a termination report not earlier than 15 days before, and not later than 30 days after retirement.

VII. Miscellaneous Military Provisions:

A. Use of Title. Retirees may use military rank in private commercial or political activities, but the retired status must be clearly indicated, there must be no appearance of DoD endorsement, and the use must not discredit DoD (JER 2-304).

B. Wearing the Uniform. Retirees may wear their uniform for funerals, weddings, military events (such as parades or balls), and national or state holidays. They may wear medals on civilian clothing on patriotic, social or ceremonial occasions. (para. 29-4, AR 670-1).

VIII. IN GENERAL:

A. Unless Procurement Integrity applies (Section V., above), you can work for whomever you want (except for foreign governments) and work on any project or matter for the new employer.

B. Unless Procurement Integrity applies (Section V., above) none of the restrictions and prohibitions are at issue unless and until you begin to interface with departments or agencies of the USG (except for General Officers and SESs advising foreign governments in their first year).

C. If you are not restricted by the one-year Procurement Integrity no-compensation ban,

and if you do not interface with the USG, all you need to worry about is protecting and not exploiting classified, procurement integrity and other inside information.

Michael J. Wentink
Ethics Counselor
Office of Command Counsel
U.S. Army Materiel Command
(703) 617-8003, DSN 767-8003
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